

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EARL E. SMITH, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CV-515
)	Phillips/Guyton
NORFOLK SOUTHERN)	
RAILWAY COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 24] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of Plaintiffs' Motion to Allow Identification of New Expert Outside the Time Initially Allowed by This Court's Scheduling Order [Doc. 22].

The plaintiff seeks leave to identify a new liability expert. The defendant has no objection to the plaintiff's motion. Accordingly, for good cause shown, Plaintiffs' Motion to Allow Identification of New Expert Outside the Time Initially Allowed by This Court's Scheduling Order [Doc. 22] is **GRANTED**. Should the defendant believe it necessary, its expert is allowed to promptly modify his Rule 26 Report to respond to the opinions that the plaintiff's new expert states.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge